

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VINCENT J. DEFILIPPO,

Plaintiff,

v.

ANDRE J. ALMEIDA, et al.,

Defendants.

Civil Action No.: 17-13026 (CCC)

ORDER

CECCHI, District Judge.

This matter was opened by the Court *sua sponte* based on Plaintiff Vincent J. DeFilippo's failure to comply with Court orders and to prosecute his case. On June 3, 2019, Plaintiff's former attorney, Michael Peter Rubas, moved to withdraw from this matter because of Plaintiff's alleged failure to provide information to his attorney or participate in his case. (ECF No. 23). Plaintiff subsequently failed to appear as ordered at an in-person conference scheduled for August 27, 2019. On August 27, 2019, Magistrate Judge James B. Clark III granted Rubas's motion to withdraw and issued an Order to Show Cause why the case should not be recommended for dismissal. (ECF Nos. 29, 30). Plaintiff failed to respond to the Court's Order to Show Cause and did not appear as ordered at a hearing on October 21, 2019.

On October 30, 2019, Judge Clark issued a Report and Recommendation ("R&R") that the Court dismiss Plaintiff's Complaint without prejudice due to Plaintiff's failure to prosecute his case and comply with Court orders. (ECF No. 34). No objections have been filed thereto. The Court has considered Judge Clark's R&R, and for substantially the same reasons stated therein:

IT IS on this 13 day of February, 2020

ORDERED this Court adopts Judge Clark's October 30, 2019 R&R that the Complaint be dismissed without prejudice for failure to prosecute Plaintiff's case and comply with the Court's orders; and it is further

ORDERED the Clerk of Court shall **CLOSE** the file in this matter.

SO ORDERED.



CLAIRES C. CECCHI, U.S.D.J.